

EXHIBIT X

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT : CIVIL NO.
OPPORTUNITY COMMISSION:
and :
KATHY C. KOCH :
INTERVENOR/PLAINTIFF:
v :
L.A. WEIGHT LOSS :
CENTERS, INC. :
Defendant : WDQ-02-CV-648

NOVEMBER 11, 2004

Oral deposition of KAREN SIEGEL,
taken pursuant to notice, was held at the
law offices of the EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION, The Bourse
Building, 4th Floor, Philadelphia, PA,
beginning at 9:35 a.m., on the above
date, before Nancy D. Ronayne, a Court
Reporter and Notary Public in the
Commonwealth of Pennsylvania.

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ESQUIRE DEPOSITION SERVICES

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1 A. Okay, I do-- I remember. I
2 remember doing a 30(b)(6).

3 Q. You do generally remember
4 that?

5 A. Yes.

6 Q. What I want to ask you about
7 is the hiring process at L.A. Weight
8 Loss. And we can start by talking about
9 what process has been in place since your
10 30(b)(6) testimony in August and
11 September of 2002. Then what I'm going
12 to ask you to do as we go step by step
13 through that process is to tell me if
14 there's any differences between that
15 process in the last two years or so and
16 the process in place prior to that time,
17 '98, '99, 2000, 2001.

18 So let me start by asking
19 you this, say I'm Jane or Joe six pack
20 out on the street, I want a job at L.A.
21 Weight Loss, it's my dream job. L.A.
22 Weight Loss is looking to fill a vacancy.
23 What is the first step, how do I go about
24 getting a job; how do you go about

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1 the Hot Jobs or Career Builder posting?

2 A. We do have an 800-number
3 yes, that you can fax your resume to.

4 Q. That is listed on the Hot
5 Jobs or Career Builder?

6 A. Postings, that's correct.
7 And at that point in time in 2002, we
8 would have received the resume, we would
9 have reviewed the resume for
10 qualifications depending on the position
11 that you're applying to.

12 Q. I just want to stop you
13 there but I want to keep going but I want
14 to sort of take this step by step.

15 A. Okay.

16 Q. So that's, that's back in
17 2002 that's how I find out about a job at
18 L.A. Weight Loss, on the Internet or
19 maybe in a newspaper ad?

20 A. That's correct.

21 Q. You said generally it's
22 going to be on the Internet?

23 A. That's correct.

24 Q. Do you know what percentage

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1 getting me to apply for a job?

2 A. Okay. And we're talking
3 2002?

4 Q. I want to talk about fall of
5 2002 since your last 30(b)(6)-- well,
6 since that 30(b)(6) testimony to now.

7 A. Okay. We advertise our jobs
8 in a couple of different ways. We
9 utilize the Internet and in that point in
10 time in 2002 we would have been utilizing
11 Hot Jobs and Career Builder. And if we
12 had a vacancy for a particular position
13 we would advertise on one of those two
14 sites. In addition, we may have used
15 newspaper, but we generally our initial
16 posting for a job would have been on the
17 Internet. So you as a candidate would
18 have applied through the job posting on
19 the Internet and/or faxed your resume to
20 the human resources department.

21 Q. Would that have been in the
22 newspaper ad?

23 A. That's correct.

24 Q. Would that have also been in

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1 or what fraction of the recruitment was
2 done on the Internet as opposed to in a
3 newspaper ad at that time?

4 A. No, I couldn't tell you
5 specifically. Although, the majority
6 would have been done via Internet.

7 Q. Now, you said that that's
8 true of 2002, how has that changed, if at
9 all, since 2002?

10 A. 2003 we contracted out or we
11 utilized the services of Executive Search
12 Group.

13 Q. Sandy Fox?

14 A. That's correct. And as far
15 as the avenue for we still utilized
16 Internet and newspaper but we were no
17 longer getting those leads, those leads
18 were going to Executive Search Group for
19 assistant managers and above and we were
20 still getting counselor submissions to
21 corporate. And I'm going to take a step
22 back for one second because in 2002 the
23 upper level management position areas,
24 regionals, they were going through ESG as

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<p>1 well. We might have gotten ones here and 2 there but we were sort of peripherally 3 involved in that process.</p> <p>4 Q. When in 2002 did the areas 5 and regionals go through ESG?</p> <p>6 A. I'm not exactly sure. I'm 7 not exactly sure. Early 2002.</p> <p>8 Q. Now, I want to make sure my 9 understanding of this and we'll talk 10 about this more in depth later but I want 11 to make sure my understanding of this ESG 12 arrangement is correct. ESG does not go 13 out and head hunt for L.A. Weight Loss, 14 do they?</p> <p>15 MR. LANDAU: Object to the 16 form.</p> <p>17 MR. PHILLIPS: I'll rephrase 18 the question.</p> <p>19 BY MR. PHILLIPS:</p> <p>20 Q. Does ESG advertise for L.A. 21 Weight Loss for jobs at L.A. Weight Loss? 22 Do they place the ads, do they do the 23 Internet recruiting?</p> <p>24 MR. LANDAU: Object to the</p>	<p>Page 70</p> <p>1 agency to place ads. From a cost 2 standpoint we took that over because we 3 can place our own ads without paying any 4 of the additional agency fees. And we 5 were getting charged a fee for placing 6 the ad when we were-- when Sandy Fox was 7 placing it through his ad agency, so from 8 a cost control, not that it makes a 9 difference in terms of I'm not sure that 10 necessarily makes a difference but there 11 was a point where he was placing his own 12 ads.</p> <p>13 Q. Who determined the content 14 of those ads?</p> <p>15 A. He did, I mean he created 16 the ads.</p> <p>17 Q. How long did this 18 arrangement exist where ESG or Sandy Fox 19 were placing their own ads through 20 separate agents?</p> <p>21 A. A couple of months, not a 22 long time.</p> <p>23 Q. So a couple months in 2002?</p> <p>24 A. A couple months in more</p>
<p>1 compound nature of that question.</p> <p>2 MR. PHILLIPS: You can 3 answer.</p> <p>4 THE WITNESS: They-- we 5 place the ad for them.</p> <p>6 BY MR. PHILLIPS:</p> <p>7 Q. They do the screening?</p> <p>8 A. They do the screening. And 9 they utilize our Internet capability and 10 again, they do the screening. Like the 11 cost of the Internet, obviously it's very 12 expensive as we had hundreds of job 13 postings, so if there was a position that 14 they were recruiting for we would post 15 that position for them but the leads and 16 the resumes would come in to them.</p> <p>17 Q. Understand, okay.</p> <p>18 A. And that's the same for the 19 newspaper advertisement as well.</p> <p>20 Q. L.A. Weight Loss places the 21 ad, ESG initially receives the lead?</p> <p>22 A. That's correct. And that 23 happened-- in the beginning they placed 24 their own ads, they were utilizing an</p>	<p>Page 71</p> <p>1 2003. Like he-- when he was doing the 2 areas and the regionals he was doing the 3 ads. When he overtook the entire process 4 of assistant managers it was at that 5 point where we're seeing a larger amount 6 of ads being placed and we overtook the 7 process of placing those ads for him, 8 still his content, just us placing the 9 ad.</p> <p>10 Q. So who determined the 11 content of those ads?</p> <p>12 A. Sandy Fox.</p> <p>13 Q. Did L.A. Weight Loss have 14 any-- conduct any review before those ads 15 were placed?</p> <p>16 A. Not to my knowledge. It's 17 like using an outside search firm you 18 know, agency, which is exactly what he is 19 saying, here we have a position to fill 20 and --</p> <p>21 Q. Was he also the owner of the 22 ad agency?</p> <p>23 A. Yes.</p> <p>24 Q. What's the name of the ad</p>

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1 agency?

2 A. And actually-- oh, the ad
3 agency, I'm sorry. No, I'm sorry, search
4 firm, no, not in charge of the ad agency.5 Q. Who was the ad agency that
6 use to use him?7 A. I don't remember but I can
8 get you that information. It wasn't a
9 logical ad agency.

10 Q. It wasn't Alston?

11 A. No, no, we used Alston.

12 Q. So when you referred to a
13 change in 2003, you were referring not so
14 much to use of Internet and newspaper as
15 you were what's happening to the leads
16 after they come in?

17 A. That's correct.

18 Q. So then in 2003 the leads go
19 to ESG for assistant manager and above,
20 correct?

21 A. That's correct.

22 Q. Has that changed since 2003,
23 both who places the ads, where they are
24 placed and the use of ESG?1 for example med tech or counselor, were
2 not going to ESG they were going directly
3 to L.A. Weight Loss personnel, correct?

4 A. That's correct.

5 Q. Who were they going to?

6 A. They would come in and the
7 recruitment assistant slash
8 administration administrator, and/or
9 myself or Nicky Fryer, and those-- so
10 that's who they came in to.11 Q. Now again I want to stay
12 just on the posting function for now and
13 we'll come back to some of these other
14 things. Have your Internet sources
15 changed since 2002?

16 A. Yes.

17 Q. You mentioned Hot Jobs and
18 Career Builder?19 A. Correct. And we added
20 Monster.

21 Q. When did you add Monster?

22 A. Sometime in 2003.

23 Q. Referring to Monster.com?

24 A. Yes.

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1 A. Yes.

2 Q. What has changed?

3 A. Just recently in the last
4 two months, we have actually brought the
5 recruitment back in-house. So ESG is
6 doing-- we're doing all the recruitment.
7 They're not -- they may do a position
8 here and they're separate from the field,
9 like they might recruit for a corporate
10 position but not for anything field
11 related at this point.12 Q. So just within the last few
13 months then ESG has stopped doing any
14 recruiting for field positions at L.A.
15 Weight Loss, correct?

16 A. That's correct.

17 Q. And there's an HR is a
18 recruiting I guess group or recruiters in
19 the HR department at L.A. Weight Loss who
20 have now undertaken that responsibility,
21 correct?

22 A. That's correct.

23 Q. And back in 2003 the leads
24 for positions below assistant manager,

1 Q. Any reason for that change?

2 A. Just to add to the exposure
3 that we had.4 Q. Now prior the your 30(b)(6)
5 testimony in the fall of 2002, let's take
6 that period from the start of 2002 to
7 when you gave your 30(b)(6) in the fall
8 of 2002. Was the process the same then
9 as you previously described it, Internet
10 and newspaper postings?

11 A. That's correct.

12 Q. Was ESG being used during
13 that period?14 A. They may have been involved
15 at the-- in the higher level, the
16 assistant and regional at that point in
17 time.

18 Q. Now let's look at 2001.

19 What's the difference between, if
20 anything, between what the company was
21 doing as far as posting jobs in 2002 as
22 compared to 2001?23 A. 2001 we were still utilizing
24 Internet, but we were probably, it was

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1 department, yes.
 2 Q. But now the difference is
 3 that everything comes through the HR
 4 department currently?
 5 A. That's correct.
 6 Q. Lead comes to the HR
 7 department, comes to you, Nicky Fryer,
 8 recruiting assistant, what is done with
 9 the lead?
 10 A. Give me a time frame; 2003?
 11 Q. Yes. Let's deal with that
 12 first.
 13 A. Okay. 2003 it would come
 14 in, we would separate it by area or
 15 regional, if there wasn't an area in
 16 place. And those resumes were sent out
 17 to the field two times a week.
 18 Q. Is there any initial
 19 screening out that's done at this stage
 20 in the process? Essentially what I'm
 21 asking is, do you send all of the
 22 resumes, we'll call them resumes but I'm
 23 referring to basically anything
 24 indicating an interest in employment, a

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1 resume, an Internet application I guess
 2 you could call it, a response to an
 3 Internet posting by e-mail or whatever,
 4 faxed note on a cocktail napkin,
 5 anything, is there any screening out at
 6 this point or is it all sent out to the
 7 field?
 8 A. It's all sent out to the
 9 field.
 10 Q. It doesn't matter what it is
 11 if it's an indication of interest in
 12 employment it is sent out to the region
 13 or area that it applies to?
 14 A. That's correct. As long as
 15 there's contact information for the
 16 person, speaking to your cocktail napkin,
 17 but yes.
 18 Q. Unless it's I want a job
 19 signed Joe it goes out to the field?
 20 A. Yes. And if it says Joe and
 21 215.
 22 Q. Understood. Understood,
 23 okay.
 24 A. That's correct.

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1 Q. Has that ever been
 2 different? Other than the use of
 3 Executive Search Group has that process
 4 ever been different, HR receives the
 5 leads, HR disseminates them to the area
 6 region?
 7 A. Yes.
 8 Q. When was it different?
 9 A. Okay. Prior to 2003-- prior
 10 to 2003 and in different phases there
 11 were different, we had recruitment
 12 inhouse that we were doing and we also
 13 had field recruiters at one point.
 14 Q. This is prior to 2003?
 15 A. That's correct.
 16 Q. Did you have, were the
 17 recruiters inhouse working during the
 18 same time frame as the field recruiters?
 19 A. No.
 20 Q. They were not?
 21 A. No.
 22 Q. Who was the most recent
 23 inhouse during that time frame, prior to
 24 2003, who was the most recent inhouse or

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1 field recruiters?
 2 A. Inhouse.
 3 Q. At that time were the leads
 4 going to the inhouse recruiters?
 5 A. At the time that there were
 6 inhouse recruiters?
 7 Q. Yes.
 8 A. Yes.
 9 Q. And what were they doing
 10 with the leads when they got them?
 11 A. They were sorting them and
 12 prescreening them.
 13 Q. So prior to 2003 at this
 14 stage of the process the receipt of the
 15 lead there was screening that was taking
 16 place by the inhouse recruiters?
 17 A. That's correct.
 18 Q. How long did the company
 19 have inhouse recruiters prior to 2003?
 20 A. We had inhouse recruiters
 21 probably for close to a year and a half.
 22 Q. Can you give me a general
 23 time frame?
 24 A. Let me think about this.

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1 Late 2001 I want to say to 2003 to ESG
 2 taking over, it might have been late 2001
 3 early 2002, so it was probably a year
 4 maybe a little longer?

5 Q. How many inhouse recruiters
 6 were there at that time?

7 A. There were three.

8 Q. Who were they?

9 A. Kim Stanziani,

10 S-T-A-N-Z-I-A-N-I. Zoya-- I'm not even
 11 going to attempt, I don't even know how
 12 to pronounce her last name, it's like
 13 Urkavitch or something and Nancy
 14 O'Malley.

15 Q. Who was their direct
 16 supervisor?

17 A. Nicole Fryer.

18 Q. And Ms. Fryer reports to
 19 you?

20 A. That's correct.

21 Q. Do you know how they were
 22 prescreening, what they were prescreening
 23 for?

24 A. Yes.

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1 A. Yes. In addition to you
 2 know just discussions as a department as
 3 far as what are we looking for.

4 Q. So what was the nature of
 5 those discussions?

6 A. What are their related
 7 fields that we would draw from. You
 8 know, looking at a resume there's some
 9 what I would call general recruitment,
 10 the red flag issues, you're job hopping,
 11 gaps in your resume, those type of
 12 things, they're obvious in any business.
 13 But looking at experience, talking about
 14 the experience that we were looking for
 15 in terms of the previous jobs.

16 Q. Were these discussions about
 17 related fields to draw from a previous
 18 experience, were these discussions
 19 recorded in any way in writing, in a
 20 memo, anything of that nature, e-mail?

21 A. Well, we discussed in the
 22 recruitment handbook or guidebook the
 23 different specific things, retail
 24 cosmetics. So that I mean, in terms of

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1 Q. What was it?

2 A. Again, it gets back to the
 3 aspect of what we do as a company. So
 4 the person who in their previous job
 5 history, someone in a related field, when
 6 I say a related field, someone who has
 7 had a lot of customer interaction, shown
 8 an ability to or had the experience in a
 9 consultative sale. It's that whole
 10 trying to find that person who has the
 11 ability to connect with our clients on an
 12 emotional level, shows empathy.

13 Q. And let me stop you there.

14 A. Okay.

15 Q. Because I don't want to
 16 duplicate. I am going to discuss with
 17 you as I'm sure you anticipate, the
 18 prescreening policies and process
 19 generally later.

20 Is it accurate to say that
 21 Kim, Zoya and Nancy were using the
 22 company prescreening process described in
 23 the company hiring guides; is that what
 24 they were doing?

1 that there is documentation relative to
 2 that. But sort of let's talk about okay,
 3 well we have, we're looking for retail
 4 but what specific to retail, are we
 5 looking for cosmetics, what's specific.
 6 You and I might have a conversation about
 7 cosmetics, Avon salespeople, Mary Kay,
 8 cosmetic counter, sort of expanding on
 9 what is in fact in writing in different
 10 manuals, you'll see it, it's in the
 11 training and that sort of thing.

12 Q. What was done with, this is
 13 again late 2001 to 2003 when inhouse
 14 recruiters were doing prescreening, what
 15 was done with the resumes or applications
 16 or whatever you want to call them that
 17 were screened out?

18 A. When you say screened out
 19 you mean not they wouldn't --

20 Q. Not referred to the field?

21 A. They would be kept in a
 22 folder specific to that region. We
 23 stored things by area.

24 Q. Sitting here today is there

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1 about them. 2 Q. Did you retain any documents 3 pertaining to that go-between function 4 you were serving at that time? 5 A. No. It would have been 6 verbal communication. And/or-- and/or 7 directing them to here's where Eileen is 8 today give her a call here. 9 Q. So is it your testimony that 10 you generated no documents during the 11 course of performing that go-between 12 function you just testified about? 13 A. That's correct. 14 Q. Did anyone at L.A. Weight 15 Loss generate any documents pertaining to 16 that go-between function? 17 A. It was only me that was 18 doing that and it was for a very brief 19 period of time. 20 Q. So it's your testimony that 21 from Elaine Bussolletti or Eileen 22 Stankunus's mouth to your ear to your 23 mouth to Sandy Fox's ear? 24 A. That's correct.	1 A. What I can-- what I can 2 speak to for myself and my department we 3 wanted the resumes-- we wanted all the 4 resumes that were being submitted to ESG 5 in this 2003 time frame when they were 6 doing all the recruitment because I 7 wanted to make sure that there wasn't a 8 candidate who may have been qualified for 9 a counselor position but they were only 10 looking at managers and assistant 11 managers and/or the same reason that they 12 may have been overlooking someone that we 13 in fact would want to interview. We 14 wanted all of those candidates from them. 15 I never received that. 16 Q. To your knowledge did anyone 17 at L.A. Weight Loss ever give 18 instructions to Executive Search Group to 19 retain the documents they were receiving 20 or generating as part of providing 21 recruitment services to L.A. Weight Loss? 22 A. No, because-- no. They were 23 an independent-- they were a separate 24 business from us, we had nothing to do
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1 Q. All verbal? 2 A. That's correct. 3 Q. You testified earlier that 4 you communicated to ESG to what the 5 company was looking for; how was that 6 communicated? 7 A. Verbally, by phone. 8 Q. Any e-mail? 9 A. No. I may have sent them 10 the job descriptions for those positions. 11 I can't be certain to that but I may have 12 to assist. 13 Q. To your knowledge did anyone 14 at L.A. Weight Loss give ESG instructions 15 on document retention? 16 A. They were really-- they were 17 an independent-- they are an independent 18 agency, so I mean -- 19 Q. Did anyone at L.A. Weight 20 Loss to your knowledge give ESG 21 instructions on retaining documents that 22 they were generating or receiving during 23 this, the services they were providing to 24 L.A. Weight Loss?	1 with them specifically other than-- other 2 than us requesting the information from 3 them which would have been all the 4 documents. We-- I personally never gave 5 them any direction and I don't know 6 whether anybody else has or hasn't. 7 Q. Is there a contract between 8 L.A. Weight Loss and ESG in writing? 9 A. Not to my knowledge. 10 Q. Is there anything in writing 11 commemorating this arrangement between 12 ESG and L.A. Weight Loss to your 13 knowledge? 14 A. I do not know. 15 Q. Do you know of anyone who 16 might know other than yourself? 17 A. Vahan Karian. 18 Q. So sitting here today you 19 have no way of telling me one way or 20 another whether Executive Search Group 21 retained all the resumes that they 22 received performing recruiting functions 23 for L.A. Weight Loss during the period 24 that they were doing that?

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<p>1 just applications, but all the documents 2 in response to EEOC's request for that 3 information?</p> <p>4 A. That's correct.</p> <p>5 Q. What was the response to 6 those requests?</p> <p>7 A. We never got anything.</p> <p>8 Q. No response at all?</p> <p>9 A. We-- they never sent us 10 anything.</p> <p>11 Q. So did they tell you they 12 had all, some or none of the documents in 13 response to your request or did they just 14 silence?</p> <p>15 A. No, again, I did not speak 16 to them personally.</p> <p>17 Q. Who did?</p> <p>18 A. Nicky Fryer and I believe 19 Elaine Bussoletti. But I know for a fact 20 that Nicky Fryer did in fact speak to 21 them.</p> <p>22 Q. Do you know what was said?</p> <p>23 A. That we in fact needed-- 24 that this was a request by the EEOC for</p>	<p>1 management prior to that, prior to 2002. 2 Q. But you don't know that for 3 sure?</p> <p>4 A. Let me think about this.</p> <p>5 (Pause).</p> <p>6 I can say pretty definitely 7 that sometime in 2001 we utilized them to 8 a certain degree. Again, for the upper 9 level management positions.</p> <p>10 Q. Were you privy to any 11 discussions regarding the decision to use 12 ESG?</p> <p>13 A. I was not.</p> <p>14 Q. Were you privy to any 15 discussions regarding the decision to 16 expand ESG's service to L.A. Weight Loss 17 beyond upper level management positions?</p> <p>18 A. I was not.</p> <p>19 Q. Do you know who was other 20 than you said Mr. Karian earlier, anyone 21 else?</p> <p>22 A. Not to my knowledge I don't 23 have any knowledge to that.</p> <p>24 Q. We talked earlier about the</p>
<p>1 all of these documents and that we needed 2 to produce them and that they need to 3 send them to us. It was my understanding 4 that I don't know-- I don't know 5 specifically whether David ever agreed 6 yes, I'll get them to you or no, it's too 7 much work or it would be overly 8 burdensome to do so.</p> <p>9 MR. LANDAU: David Fox?</p> <p>10 THE WITNESS: David Fox, I'm 11 sorry.</p> <p>12 MR. PHILLIPS: Right. I 13 understood that but thank you for 14 clarifying.</p> <p>15 THE WITNESS: David Fox. 16 And we never received anything. 17 And we made numerous, numerous 18 requests to them.</p> <p>19 BY MR. PHILLIPS:</p> <p>20 Q. Did the company L.A. Weight 21 Loss start using ESG before or after 22 February 2002?</p> <p>23 A. They may have been doing 24 some of their upper level supervisory</p>	<p>1 use of electronic job services, Monster, 2 Hot Jobs, Career Builder. Other than 3 those three has L.A. Weight Loss used any 4 other Internet recruiting services?</p> <p>5 A. We may have used as a search 6 function like with the capability to 7 search, for a brief period of time I 8 think we signed up for, it might have 9 been a month, sixfigures.com to search 10 applicants but I don't know if we ever 11 actually utilized them or if we looked 12 into like just was a let's research and 13 see if we might use them.</p> <p>14 Q. Do you know whether any 15 documents exist regarding sixfigures.com?</p> <p>16 A. If there are any documents 17 in terms of like resumes downloaded or 18 something like that?</p> <p>19 Q. Correct.</p> <p>20 A. Anything that we've had 21 literally, anything and everything we 22 have turned over to counsel.</p> <p>23 Q. I want to get a sense of 24 what happens when you're using these</p>

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<p>1 applications we're referring to, Hot 2 Jobs, Monster, Career Builder? 3 A. The initial request was made 4 to me and I then had Nicky Fryer 5 interfacing with the Internet providers 6 to attempt to get copies of any and all 7 resumes that had been submitted to any of 8 the job postings. 9 Q. When was that done? 10 A. Whenever your initial 11 request was made. 12 Q. During the investigation of 13 this matter or during the litigation? 14 A. I don't know exactly. 15 Q. The lawsuit was filed in 16 February 2002. 17 A. I believe that's when we 18 would have-- when the request was made. 19 Q. Do you know what the 20 response was from the providers? 21 A. Specifically I don't know. 22 I know more information from Hot Jobs 23 because that was our largest data base at 24 that point in time and they were unable</p>	<p>Page 198</p> <p>1 involved to do that would be astronomical 2 but we've never done it on our end. 3 Q. So to your knowledge L.A. 4 Weight Loss has never actually gone 5 through every single job posting, looked 6 at all the responses and printed those 7 out? 8 A. No. Not to my knowledge. 9 Q. Has L.A. Weight Loss ever 10 gone through every posting, looked at 11 every response and downloaded it? 12 A. That has happened. I mean 13 yes, they do that when they go through-- 14 when they're reviewing a position like 15 when they're reviewing to hire for a 16 position, they look at every single 17 applicant. 18 Q. But what happens to the file 19 after it's downloaded, where is it 20 stored? 21 A. It's stored on it's like a 22 web based, you're dealing with a web 23 based recruitment board job posting. 24 Q. So it's stored on the</p>
<p>Page 199</p> <p>1 to according to what they were telling 2 us, they were unable to make an 3 electronic copy of all of the resumes 4 that had been submitted. And it had 5 something to do with a platform issue and 6 I honestly, I'm not very well versed in 7 IT so I don't necessarily know what that 8 means. 9 Q. So what was the resolution, 10 if they could not make an electronic 11 copy? 12 A. I don't -- I don't know if 13 there's been a resolution at this point. 14 Q. Did you get hard copies of 15 all of this? 16 A. In order to get hard copies 17 you literally would have to go into each 18 individual posting and download each 19 individual application separately and 20 then print that. And I don't believe 21 that's ever been done. 22 Q. By anyone? 23 A. It would not as far as my-- 24 not from my side of things. The time</p>	<p>Page 201</p> <p>1 service provider's site basically? 2 A. Yes. 3 Q. In their server or whatever? 4 A. Wherever they, yes. 5 Q. The files after they've been 6 reviewed by the recruiters, they're-- to 7 your knowledge they're kept on the 8 provider's site but they're not stored 9 electronically in anything at L.A. Weight 10 Loss? 11 A. That's correct. 12 Q. They're not downloaded onto 13 a C-drive or onto your server or onto a 14 disk or anything of that nature? 15 A. That's correct. 16 Q. Is there any requirement 17 that the recruiter prints out everything 18 they look at? 19 A. No, they print out-- they 20 print out the resumes that are 21 prescreened and any resume that is set up 22 for an interview. But again, at this 23 point in time going forward. So what 24 we've done now for 2004 is we've created</p>

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1 you just don't know what?
 2 A. That's correct.
 3 Q. And it's also a fair
 4 statement of your testimony that to your
 5 knowledge nobody has actually
 6 successfully gone through and printed out
 7 or downloaded, anyone at L.A. Weight
 8 Loss, every single response to a Hot Jobs
 9 job posting?

10 A. To my knowledge
 11 specifically, no. Other than what we
 12 talked about, other than the counselor
 13 resumes.

14 Q. To your knowledge has anyone
 15 at L.A. Weight Loss attempted to do that?

16 A. I honestly don't know.

17 Q. Have you ever instructed
 18 anyone to do that?

19 A. Basically, we've insofar as
 20 getting information that you requested
 21 and working with Nicky and working with
 22 Hot Jobs, yes, we attempted to get it--
 23 get you the information that you needed.

24 As far as being successful at that, I

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1 of things. The only one that I remember
 2 having problems with was Hot Jobs.
 3 Q. But you testified earlier
 4 that there was no procedure or process in
 5 place requiring people reviewing
 6 responses to print out or download every
 7 single response with respect to Monster
 8 or Career Builder?

9 A. That's different than
 10 production of documents relative to this
 11 case. It's a different question.

12 Q. I don't think it is a
 13 different question, but let's be clear.

14 A. Okay.

15 Q. Let's be clear. Until the
 16 last couple of months where you hired
 17 inhouse recruiters there has never been a
 18 process-- my understanding of your
 19 testimony, correct me if I'm wrong, is
 20 that there's never been a process or
 21 procedure or policy in place requiring
 22 people to save everything, all the
 23 responses that they look at either by
 24 downloading it or by printing it out; is

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1 honestly sitting here today I don't
 2 believe that we were successful in doing
 3 that.

4 Q. Same question with respect
 5 to Monster?

6 A. Different.

7 Q. To your knowledge has anyone
 8 at L.A. Weight Loss or anyone with any
 9 entity ever gone back and attempted to
 10 recover or get all the responses to all
 11 job postings that L.A. Weight Loss has
 12 ever done on Monster?

13 A. That with regards to Monster
 14 and Career Builder, again, it's a little
 15 different, we hadn't been using either of
 16 those as long as Hot Jobs nor to the
 17 extent that we were using Hot Jobs. And
 18 I do believe that that in fact you have
 19 all that information from Monster and
 20 Career Builder.

21 Q. What do you base that belief
 22 on?

23 A. In collecting documents and
 24 submitting documents, during that aspect

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1 that a correct statement of your
 2 testimony?

3 MR. LANDAU: Object to the
 4 form.

5 BY MR. PHILLIPS:

6 Q. Is that true?

7 A. There's never been a policy,
 8 a written policy versus procedure of
 9 downloading every-- well, no because they
 10 do, they download. In order to look at
 11 an applicant you have to download and
 12 what that means, download, you're opening
 13 the file.

14 Q. But it's not saved?

15 A. Right, said differently,
 16 right, it's not saved. And I've -- the
 17 second part of your question I don't
 18 remember -- oh, and the save part.
 19 Right, it's not saved.

20 Q. So again, until very
 21 recently no one, there has not been, and
 22 I'm talking written or verbally
 23 communicated, any policy, procedure or
 24 practice in place at L.A. Weight Loss

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1 there was an administrative investigation 2 of L.A. Weight Loss by the EEOC, correct, 3 concerning hiring issues, correct? 4 A. In regards to the Koch 5 claim? 6 Q. In regards specifically to 7 the issue of not hiring males because 8 they're male, you recall there was an 9 investigation of that issue before this 10 litigation, correct? 11 A. In specific to this lawsuit 12 or specific to another? 13 Q. Specific to this lawsuit. 14 A. Yes. 15 Q. And do you recall that 16 during that investigation that the EEOC 17 had requested applications, resumes, 18 things of that nature, correct? 19 A. Yes. 20 Q. Who was responsible for 21 routing those resumes and applications-- 22 first of all, they were routed through 23 counsel to the EEOC; is that correct? 24 A. That's correct.	1 repeat the question. 2 MR. LANDAU: I also want to 3 note my objection on the record to 4 repeating testimony he's been 5 given in the 30(b)(6) as the 6 document search is prior to the 7 summer of 2002 when this witness 8 was a 30(b)(6) witness. 9 MR. PHILLIPS: Could you 10 repeat the last question. 11 (The court reporter read the 12 pertinent part of the record.) 13 MR. PHILLIPS: And I don't 14 think that's a repetitive question 15 because I'm asking up until the 16 day of this deposition which is 17 two years after her last 18 deposition, have you located any 19 documents for the time period up 20 to the time where you produced 21 documents to the EEOC during the 22 investigation and I'm talking 23 resumes, applications, prescreens, 24 any hiring related documents for
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1 Q. And I'm talking again about 2 the documents produced to the EEOC during 3 the investigation of this matter, right? 4 A. Yes. 5 Q. Who was responsible for 6 routing those documents to counsel? 7 A. I was. 8 Q. You were. Did you provide 9 at that time to the EEOC, all the resumes 10 and applications and interview notes and 11 prescreening forms then existing 12 pertaining to all positions company wide? 13 A. Yes. 14 Q. Have you subsequently 15 located any additional documents 16 concerning that time period up to the 17 time where you submitted those documents 18 to the EEOC? 19 MR. LANDAU: I'm going to 20 object to the question. Let's go 21 off the record for a second. 22 (A discussion off the record 23 occurred.) 24 THE WITNESS: Could you	1 that period? 2 THE WITNESS: For the period 3 prior to 2002? We made a document 4 production to you since 2002 of 5 resumes and interview notes and 6 applications. The document 7 production up to 2002 I don't 8 believe that there was anything 9 else that was submitted from that 10 time frame but I will testify a 11 hundred percent that any and all 12 documents and resumes and any of 13 the prescreens that has since 14 subsequently been produced to you 15 I don't believe that there's 16 anything in there that's prior to 17 2002. So the search of documents 18 to whatever date we're talking 19 about, 2000, 2002, I don't even 20 know at this point, but there was 21 a exhaustive search taken in the 22 very beginning for any and all 23 documents that might have been 24 maintained out in the field or

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<p>1 that were housed in corporate, 2 they were submitted to you and 3 then since then there's been a 4 subsequent production of 5 documents.</p> <p>6 MR. PHILLIPS: I'm going to 7 go ahead and move on at this 8 point. We're going to mark this 9 as K. Siegel since the 30(b)(6) 10 exhibits were marked Siegel. 11 (K.Siegel-1 marked for 12 identification.)</p> <p>13 BY MR. PHILLIPS:</p> <p>14 Q. Take a look at that series 15 of documents for a moment and let me know 16 when you're done.</p> <p>17 A. (Witness complies.)</p> <p>18 Okay.</p> <p>19 Q. Do you recognize this 20 document marked K.Siegel Exhibit 1?</p> <p>21 A. Yes.</p> <p>22 Q. What is it?</p> <p>23 A. It is a compilation of the 24 job descriptions for different positions,</p>	<p>Page 258</p> <p>1 overtaking the HR department that I then 2 revised so input would have come at that 3 point or through-- through operations 4 really.</p> <p>5 Q. Who had input beyond 6 yourself?</p> <p>7 A. On the initial job 8 description I don't know.</p> <p>9 Q. Who had input into this 10 version?</p> <p>11 A. I would have consulted with 12 at the time the people in supervisory 13 capacity of these different positions and 14 what their-- what their job 15 responsibilities were.</p> <p>16 Q. What is the purpose or the 17 function for these documents marked 18 K.Siegel Exhibit 1?</p> <p>19 A. Just to kind of give a 20 guideline to each different position and 21 sort of an outline of what their job 22 description would be.</p> <p>23 Q. You mentioned the term 24 guideline, what do you mean by guideline?</p>
<p>Page 259</p> <p>1 different field positions for the 2 company.</p> <p>3 Q. When was it created?</p> <p>4 A. I don't know exactly when 5 this was created.</p> <p>6 Q. Who created it?</p> <p>7 A. Actually, I did. It was-- 8 it was a document that was I guess like 9 it could have been-- actually, this could 10 have been the first one or it could have 11 been a revision. There's-- we've revised 12 it several times so I don't know exactly 13 which one but I was involved in the 14 initial creation of the document.</p> <p>15 Q. Was anyone else involved in 16 the initial creation of K.Siegel 17 Exhibit 1?</p> <p>18 A. There was some input -- this 19 actually -- this actually-- this is from 20 the franchise manual it looks like. So 21 this would have been a revision of the 22 original job descriptions. As far as 23 additional input there was an initial 24 like job description prior to me</p>	<p>Page 261</p> <p>1 A. Well, you know each-- each 2 position within the organization you have 3 to be very flexible and you have to have 4 the ability to take on additional 5 responsibility, so these were the basic 6 responsibilities and accountability that 7 each position but I wouldn't say that 8 there wasn't a situation where a 9 counselor might not do something that an 10 assistant manager would do. Or an 11 assistant manager what a manager would 12 do. So I kind of-- we use these loosely 13 in the sense that I would say these are 14 minimum responsibilities for the 15 positions. But they obviously in number 16 eight where were talk about special 17 projects, perform any specialty project 18 assigned by the center manager. Employee 19 must be flexible with respect to job 20 duties relative to the needs of the 21 business. You know, it was I say 22 guideline in the sense that I don't 23 believe, I don't feel that these are all 24 encompassing as far as what each and</p>